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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/092,546 06/05/98 KINDLER

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QM22/0227

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MINNEAPOLIS MN 55402-1498

EXAMINER

THOMPSON, M

ART UNIT

PAPER NUMBER

3763

DATE MAILED:

02/27/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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DATE MAILED:

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**Commissioner of Patents and Trademarks**

Please note attachment.

***Response to Election/Restriction***

1. The reply filed on 12-04-2000 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In Applicant's traversal, the traversal of specific generic claims is noted. However this election is not proper since Applicant failed to provisionally indicate which claims read on an elected species. Please note that the Election/Restriction mailed 09-26-2000 indicated in paragraph 2, page 2, that a proper reply also includes, "a listing of all claims readable thereon." In response to Applicant's traversal, the Examiner would like to point out that while some Species indicated by the Examiner are "substantially similar" or "related" they are structurally different and therefore considered different structural species which are patentably distinct. This is the premise that rightly differentiates a Species Election from a Restriction Requirement. The Examiner would also like to point out that upon successful traversal of a generic claim by Applicant, he will be entitled to consideration of claims additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. (Also indicated in prior Election/Restriction) See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

### Contacts

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Thompson whose telephone number is (703) 305-1619. The Examiner can normally be reached on Monday through Friday from 9 am to 5 PM.

Any questions pertaining to informal matters such as the status of a case, missing portions of an Office Action, references, filing, paper matching, etc., should be directed to the Examiner's Legal Instruments Examiner (LIE), Rosalind Smith, at (703) 305-2440.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, AnhTuan Nguyen, can be reached on (703) 308-2154. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4520.


Michael M. Thompson

Patent Examiner

MT



February 21, 2001



**ANH TUAN T. NGUYEN**  
**PRIMARY EXAMINER**

